PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

Date of mailing (day/month/year) 28 April 1998 (28.04.98)	
International application No. PCT/EP97/05198	**Applicant's or agent's file reference** B 2749 PCT
International filing date (day/month/year) 22 September 1997 (22.09.97)	**Priority date** (day/month/year) 23 September 1996 (23.09.96)
Applicant SPENGLER, Dietmar et al	

1. The designated Office is hereby notified of its election made:

[X] in the demand filed with the International Preliminary Examining Authority on:

08 April 1998 (08.04.98)

[ ] in a notice effecting later election filed with the International Bureau on:

2. The election [X] was

[ ] was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO **34, chemin des Colombettes** **1211 Geneva 20, Switzerland**	Authorized officer Marie-José Devillard
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

Form PCT/IB/331 (July 1992)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (PCT/IPEA/416)
B 2749 PCT		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP97/05198	22/09/1997	23/09/1996
International Patent Classification (IPC) or national classification and IPC		
C12N15/12		
Applicant		
MAX-PLANCK-GESELLSCHAFT ZUR FÖRDERUNG... et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

   - I ☒ Basis of the report
   - II ☐ Priority
   - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV ☐ Lack of unity of invention
   - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI ☐ Certain documents cited
   - VII ☐ Certain defects in the international application
   - VIII ☒ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
08/04/1998	12. 01. 99
Name and mailing address of the IPEA/	Authorized officer
European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Heckl, K Telephone No. (+49-89) 2399-8430

Form PCT/IPEA/409 (Cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP97/05198

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-87 as originally filed

Claims, No.:

1-48 as originally filed

Drawings, sheets:

1-17 as originally filed

2. The amendments have resulted in the cancellation of:

☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 12,44,48 all compl.,18,29-35,45,46 all part..

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 12 compl.,18 part. are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☒ the claims, or said claims Nos. 44,48 all compl.,29-35,45,46 all part. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1(a)(b),2-10,17 all compl.,13-16,18,19-26,27-43,45-47all part.
	No:	Claims	1(c)(d),11 all compl.,,13-16,18,19-26,27-43,45-47all part.
Inventive step (IS)	Yes:	Claims	1(a)(b),2-10,17 all compl.,13-16,18,19-26,27-43,45-47all part.
	No:	Claims	1(c)(d),11,13-16,18,19-26,27-43,45-47all part.
Industrial applicability (IA)	Yes:	Claims	1-11,13-17,19-28,38-43,47 all compl.,18,29-35,45,46 all part.
	No:	Claims	

2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

ad section III

1. The subject-matter of claims 29-35 and 44 referring to methods of treatment take use of the antibody of claim 26. However, there is no basis for such a treatment to be found in the description. Therefore, these claims - as far as relating to the use of the antibody of claim 26 - are of speculative nature and cannot be part of this IPER.

2. The term "hybridizing" as used in the claims is vague and indefinite. Therefore, it renders the scope of these claims is vague and open to individual interpretation (see also section VIII). This in particular applies to claim 12, which, all the more, refers to nucleic acid molecules ... which encode a mutated version of a protein as defined in claim 1 (or 11) **which has lost its tumour suppressor activity**. In other words, claim 12 does not even comprise a functional limitation. Therefore, claim 12 cannot be meaningfully interpreted at all, and - in consequence - cannot be part of this IPER.

3. Similarly, the subject-matter of claim 18 can only be part of this IPER as far as encompassing nucleic acids 100% complementary to those of claim 1(a) and (b) and 17 (see also section VIII).

4. No antagonist/inhibitor or agonist/activator of the polypeptide of claim 25 has been disclosed in the present application, so far. Therefore, the subject-matter of this claim is of speculative nature and cannot be part of the IPER.

5. Taken together, the subject-matter of claims 12, 44 and 48 as a whole and of claims 18 and 29-35, 45, 46 all partially, cannot be part of this IPER.

ad section V

1. The following documents are considered relevant prior art:

   D1: EP-A1-0 710 722
   D2: Nature 365, 1993, 170-175

2. Novelty (Art.33(2) PCT):

2.1 The particular TSGs isolated and claimed in claim 1 (a) and (b) and claim 17 are novel over the cited prior art.

However, due to the imprecise term "hybridizing" of claim 1 (c) (see also section VIII), the subject-matter of claim 1 (c) and (d) comprises any other TSG of the prior art, such as those of D1 (see the claims) or those as referred to in the description, page 1 to page 7, second paragraph.

The same applies to the nucleic acid molecules of claim 18, to the method of claim 24 and to the polypeptide of claim 25, all of them as far as referred back to claim 1(c) and (d).

2.2 The method of D2 - though being identical to the features of present claim 2(i)-(iv) - has not been used to identify TSGs. Therefore, feature (v) of claim 2 renders claim 2 novel over D2.

2.3 A novel method does not necessarily lead to novel products. In fact, there are TSGs of the prior art (see the passage bridging pages 3 and 4 of the description) which rely on the same regulation mechanism which underlies present claim 2 (see the passage bridging pages 9 and 10 of the description). Therefore, claim 11 is not novel, either.

The same applies to claims 18, 24 and 25 as far as referred back to claims 11-16 and 24.

3. Inventiveness (Art.33(3) PCT):

3.1 There is no disclosure or hint within the cited prior art to the existence of the TSGs which have been considered novel (see above, item 2.1). Therefore, they comprise an inventive step.

3.2 The method of D2 has not been used to identify TGSs. Since this novel use is not rendered obvious by any of the cited prior art documents, claim 2 comprises an

inventive step, either.

4. Taken together, the subject-matter of claims 1(a) and (b); 2-10 and 17 meets the requirements of Art.33(1) PCT. This also applies to the other claims as far as referring thereto.

5. The priority document of the present application has not been available at the time of establishing this report. Therefore, this report has been based on the assumption that the relevant parts of the claims enjoy the priority claimed.

   Should it later turn out that this is not the case the P/X-document cited in the International search report could become relevant to the subject-matter of the claims.

6. For the assessment of the present claims 29-35 and 37-39 on the question whether they are industrially applicable, no unified criteria exist in the PCT. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

ad section VIII

1. The term "hybridizing" as used in claim 1 is vague and indefinite. Therefore, it renders the scope of claim 1(c) and (d) vague and open to individual interpretation.

   This applies all the more, since the molecules of claim 1 share the same biological property with those of the prior art. Therefore, this characterizing feature does not allow to distinguish the subject-matter of claim 1 (c) and (d) from that of the prior art, not only including p53, but all the other TSG as referred to in the description, pages 1-7, second paragraph.

2. The same applies to claim 12. All the more, claim 12 refers to nucleic acid

molecules ... which encode a mutated version of a protein as defined in claim 1 (or 11) which has lost its tumour suppressor activity. In other words, claim 12 not even comprises a functional limitation.

3. Claim 18 refers to nucleic acids which "specifically hybridize" with a nucleic acid according to claim 1(c) and (d). Since the latter have not been precisely defined (see above, item 1) the same also applies to those of claim 18.

In addition, it should be noted that the term "specifically hybridizing" encompasses also embodiments which exhibit a complementarity of less than 100%. Finally, the nucleic acids of claim 18 lack any functional limitation

Therefore, the nucleic acids of claim 18 are not precisely defined contrary to the requirements of Art.6 PCT (lack of clarity).

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference *(if desired) (12 characters maximum)* B 2749 PCT

Box No. I TITLE OF INVENTION Nucleic Acid Molecules Coding For Tumor Suppressor Proteins And Methods For Their Isolation

Box No. II APPLICANT

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.
Berlin, Germany

☐ This person is also inventor.

Telephone No.

Facsimile No.

Teleprinter No.

State *(i.e. country)* of nationality: DE

State *(i.e. country)* of residence: DE

This person is applicant for the purposes of: ☐ all designated States ☒ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

Centre National de la Recherche Scientifique
Rue de la Cardonille
34094 Montpellier Cedex 05, France

This person is:
☒ applicant only
☐ applicant and inventor
☐ inventor only *(If this check-box is marked, do not fill in below.)*

State *(i.e. country)* of nationality: FR

State *(i.e. country)* of residence: FR

This person is applicant for the purposes of: ☐ all designated States ☒ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

☒ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: ☐ agent ☐ common representative

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

VOSSIUS & PARTNER GbR
PATENTANWÄLTE
EUROPEAN PATENT ATTORNEYS
Siebertstr. 4 · 81675 München

Telephone No. 089/413 04-0

Facsimile No. 089/413 04-111

Teleprinter No.

☐ Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

See Notes to the request form

Continuation of Box [redacted] FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS

If none of the following sub-boxes is used, this sheet is not to be included in the request.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

Dr. Dietmar Spengler
Ungererstraße 65
80805 München, Germany

This person is:
- [ ] applicant only
- [X] applicant and inventor
- [ ] inventor only *(If this check-box is marked, do not fill in below.)*

State *(i.e. country)* of nationality: DE

State *(i.e. country)* of residence: DE

This person is applicant for the purposes of:
- [ ] all designated States
- [ ] all designated States except the United States of America
- [X] the United States of America only
- [ ] the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

Dr. Laurent Journot
15 Avenue de la Gare
34570 Pignan, France

This person is:
- [ ] applicant only
- [X] applicant and inventor
- [ ] inventor only *(If this check-box is marked, do not fill in below.)*

State *(i.e. country)* of nationality: FR

State *(i.e. country)* of residence: FR

This person is applicant for the purposes of:
- [ ] all designated States
- [ ] all designated States except the United States of America
- [X] the United States of America only
- [ ] the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

This person is:
- [ ] applicant only
- [ ] applicant and inventor
- [ ] inventor only *(If this check-box is marked, do not fill in below.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

This person is applicant for the purposes of:
- [ ] all designated States
- [ ] all designated States except the United States of America
- [ ] the United States of America only
- [ ] the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)*

This person is:
- [ ] applicant only
- [ ] applicant and inventor
- [ ] inventor only *(If this check-box is marked, do not fill in below.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

This person is applicant for the purposes of:
- [ ] all designated States
- [ ] all designated States except the United States of America
- [ ] the United States of America only
- [ ] the States indicated in the Supplemental Box

- [ ] Further applicants and/or (further) inventors are indicated on another continuation sheet.

Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) *(mark the applicable check-boxes; at least one must be marked)*:

Regional Patent

- ☐ AP **ARIPO Patent:** KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☐ EA **Eurasian Patent:** AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ EP **European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☐ OA **OAPI Patent:** BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT *(if other kind of protection or treatment desired, specify on dotted line)* .....

National Patent *(if other kind of protection or treatment desired, specify on dotted line)*:

- ☐ AL Albania
- ☐ AM Armenia
- ☐ AT Austria
- ☐ AU Australia
- ☐ AZ Azerbaijan
- ☐ BA Bosnia and Herzegovina
- ☐ BB Barbados
- ☐ BG Bulgaria
- ☐ BR Brazil
- ☐ BY Belarus
- ☒ CA Canada
- ☐ CH and LI Switzerland and Liechtenstein
- ☐ CN China
- ☐ CU Cuba
- ☐ CZ Czech Republic
- ☐ DE Germany
- ☐ DK Denmark
- ☐ EE Estonia
- ☐ ES Spain
- ☐ FI Finland
- ☐ GB United Kingdom
- ☐ GE Georgia
- ☐ HU Hungary
- ☐ IL Israel
- ☐ IS Iceland
- ☒ JP Japan
- ☐ KE Kenya
- ☐ KG Kyrgyzstan
- ☐ KP Democratic People's Republic of Korea
- ☐ KR Republic of Korea
- ☐ KZ Kazakstan
- ☐ LC Saint Lucia
- ☐ LK Sri Lanka
- ☐ LR Liberia
- ☐ LS Lesotho
- ☐ LT Lithuania
- ☐ LU Luxembourg
- ☐ LV Latvia
- ☐ MD Republic of Moldova
- ☐ MG Madagascar
- ☐ MK The former Yugoslav Republic of Macedonia
- ☐ MN Mongolia
- ☐ MW Malawi
- ☐ MX Mexico
- ☐ NO Norway
- ☐ NZ New Zealand
- ☐ PL Poland
- ☐ PT Portugal
- ☐ RO Romania
- ☐ RU Russian Federation
- ☐ SD Sudan
- ☐ SE Sweden
- ☐ SG Singapore
- ☐ SI Slovenia
- ☐ SK Slovakia
- ☐ TJ Tajikistan
- ☐ TM Turkmenistan
- ☐ TR Turkey
- ☐ TT Trinidad and Tobago
- ☐ UA Ukraine
- ☐ UG Uganda
- ☒ US United States of America
- ☐ UZ Uzbekistan
- ☐ VN Viet Nam

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....

In addition to the designations made above, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except the designation(s) of _____.

The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. *(Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)*

See Notes to the request form

Box No. VI PRIORITY CLAIM — Further priority claims are indicated in the Supplemental Box ☐

The priority of the following earlier application(s) is hereby claimed:

	Country (in which, or for which, the application was filed)	Filing Date (day/month/year)	Application No.	Office of filing (only for regional or international application)
item (1)	US	September 23, 1996	08/718,661	USPTO
item (2)				
item (3)				

Mark the following check-box if the certified copy of the earlier application is to be issued by the Office which for the purposes of the present international application is the receiving Office (a fee may be required):

☐ The receiving Office is hereby requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s) : _____

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) *(If two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):* ISA / EP

Earlier search *Fill in where a search (international, international-type or other) by the International Searching Authority has already been carried out or requested and the Authority is now requested to base the international search, to the extent possible, on the results of that earlier search. Identify such search or request either by reference to the relevant application (or the translation thereof) or by reference to the search request:*

Country (or regional Office): Date *(day/month/year)*: Number:

Box No. VIII CHECK LIST

This international application contains the following number of sheets:

1. request	4	sheets
2. description	87	sheets
3. claims	8	sheets
4. abstract	1	sheets
5. drawings	17	sheets
Total	117	sheets

This international application is accompanied by the item(s) marked below:

1.	☐ separate signed power of attorney	5.	☐ fee calculation sheet
2.	☐ copy of general power of attorney	6.	☒ separate indications concerning deposited microorganisms
3.	☐ statement explaining lack of signature	7.	☒ nucleotide and/or amino acid sequence listing (diskette)
4.	☐ priority document(s) *identified in Box No. VI as item(s):*	8.	☐ other *(specify)*:

Figure No. _____ of the drawings (if any) should accompany the abstract when it is published.

Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

Munich, September 22, 1997 Jae/PST/fp

Dr. Joachim Wachenfeld
European Patent Attorney

For receiving Office use only

1. Date of actual receipt of the purported international application:	2. Drawings: ☐ received: ☐ not received:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):	
5. International Searching Authority specified by the applicant: ISA /	6. ☐ Transmittal of search copy delayed until search fee is paid

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

This sheet is not part of and does not count as a sheet of the international application.

PCT

FEE CALCULATION SHEET

Annex to the Request

For receiving Office use only

International application No.

Date stamp of the receiving Office

Applicant's or agent's file reference: B 2749 PCT

Applicant: Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.
CNRS

CALCULATION OF PRESCRIBED FEES

1. TRANSMITTAL FEE . . . . . DEM 200.00 [T]
2. SEARCH FEE . . . . . DEM 2,200.00 [S]

International search to be carried out by _____
(If two or more International Searching Authorities are competent in relation to the international application, indicate the name of the Authority which is chosen to carry out the international search.)

3. INTERNATIONAL FEE

Basic Fee
The international application contains 117 sheets.

first 30 sheets . . . . . DEM 955.00 [b_1]

87 (remaining sheets) x 19 (additional amount) = DEM 1,653.00 [b_2]

Add amounts entered at b_1 and b_2 and enter total at B . . . . DEM 2,608.00 [B]

Designation Fees
The international application contains 4 designations.

4 (number of designation fees payable *(maximum 11)*) x 232 (amount of designation fee) = DEM 928.00 [D]

Add amounts entered at B and D and enter total at I . . . . . DEM 3,536.00 [I]

(Applicants from certain States are entitled to a reduction of 75% of the international fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 25% of the sum of the amounts entered at B and D.)

4. FEE FOR PRIORITY DOCUMENT . . . . . [P]

5. TOTAL FEES PAYABLE
Add amounts entered at T, S, I and P, and enter total in the TOTAL box . . . 5,936.00 TOTAL

☐ The designation fees are not paid at this time.

MODE OF PAYMENT

- ☒ authorization to charge deposit account (see below)
- ☐ bank draft
- ☐ coupons
- ☐ cheque
- ☐ cash
- ☐ other *(specify)*:
- ☐ postal money order
- ☐ revenue stamps

DEPOSIT ACCOUNT AUTHORIZATION *(this mode of payment may not be available at all receiving Offices)*

The RO/ EP

- ☒ is hereby authorized to charge the total fees indicated above to my deposit account.
- ☒ is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.
- ☒ is hereby authorized to charge the fee for preparation and transmittal of the priority document to the International Bureau of WIPO to my deposit account.

2800.0321 (Deposit Account Number)

October 22, 1997 (Date *(day/month/year)*)

Dr. Joachim Wachenfeld (Signature) European Patent Attorney

See Notes to the fee calculation sheet

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Prof. Dr. Dr. F. Holsboer
Max-Planck-Institut für
Psychiatrie-Klinisches Institut
Kraepelinstr. 10
80804 München

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Prof. Dr. Dr. F. Holsboer Max-Planck-Institut für Address: Psychiatrie-Klinisches Institut Kraepelinstr. 10 80804 München	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 11112 Date of the deposit or the transfer[1]: 1996-08-06

III. VIABILITY STATEMENT

The viability of the microorganism identified under II above was tested on 1996-08-06[1].
On that date, the said microorganism was

(X)[3] viable

( )[3] no longer viable

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED[4]

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): U. Wels Date: 1996-08-12

[1] Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
[2] In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.
[3] Mark with a cross the applicable box.
[4] Fill in if the information has been requested and if the results of the test were negative.

Form DSMZ-BP/9 (sole page) 0196

BUDAPESTER VERTRAG ÜBER DIE INTERNATIONALE
ANERKENNUNG DER HINTERLEGUNG VON MIKROORGANISMEN
FÜR DIE ZWECKE VON PATENTVERFAHREN

INTERNATIONALES FORMBLATT

Prof. Dr. Dr. F. Holsboer
Max-Planck-Institut für
Psychiatrie-Klinisches Institut
Kraepelinstr. 10
80804 München

EMPFANGSBESTÄTIGUNG BEI ERSTHINTERLEGUNG,
ausgestellt gemäß Regel 7.1 von der unten angegebenen
INTERNATIONALEN HINTERLEGUNGSSTELLE

I. KENNZEICHNUNG DES MIKROORGANISMUS

Vom HINTERLEGER zugeteiltes Bezugszeichen:
pBluescript II SK(-)p2195 (NotI)

Von der INTERNATIONALEN HINTERLEGUNGSSTELLE zugeteilte EINGANGSNUMMER:
DSM 11112

II. WISSENSCHAFTLICHE BESCHREIBUNG UND/ODER VORGESCHLAGENE TAXONOMISCHE BEZEICHNUNG

Mit dem unter I. bezeichneten Mikroorganismus wurde

(X) eine wissenschaftliche Beschreibung
( ) eine vorgeschlagene taxonomische Bezeichnung

eingereicht.
(Zutreffendes ankreuzen).

III. EINGANG UND ANNAHME

Diese internationale Hinterlegungsstelle nimmt den unter I bezeichneten Mikroorganismus an, der bei ihr am 1996-08-06 (Datum der Ersthinterlegung)[1] eingegangen ist.

IV. EINGANG DES ANTRAGS AUF UMWANDLUNG

Der unter I bezeichnete Mikroorganismus ist bei dieser Internationalen Hinterlegungsstelle am eingegangen (Datum der Ersthinterlegung) und ein Antrag auf Umwandlung dieser Ersthinterlegung in eine Hinterlegung gemäß Budapester Vertrag ist am eingegangen (Datum des Eingangs des Antrags auf Umwandlung).

V. INTERNATIONALE HINTERLEGUNGSSTELLE

Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH

Anschrift: Mascheroder Weg 1b
D-38124 Braunschweig

Unterschrift(en) der zur Vertretung der internationalen Hinterlegungsstelle befugten Person(en) oder des (der) von ihr ermächtigten Bediensteten:

U. Weiss

Datum: 1996-08-12

[1] Falls Regel 6.4 Buchstabe d zutrifft, ist dies der Zeitpunkt, zu dem der Status einer internationalen Hinterlegungsstelle erworben worden ist.